

Final Amendments for RCE response final ~1/30/2009



Application #: 10/759,145

(1 of 5)

Inventor: Neil C. Schoen

CLAIMS (As Amended For This RCE)

January 27, 2009

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Currently
Pending

Amended RCE Claim 1 (previously RCE New Claim 6).

An article of

manufacture, a physical document, in the form of a fraction of the title to (or equivalently, a fraction of a deed of trust to) the land and dwelling of individual single-family homes, acquired by a business entity for the purpose of protecting the individual single-family home's equity against loss upon eventual sale, created using the following equations identified in the Specification, wherein;

$\$HPV$ (defined as HAVEN premium value) = $\$SP - \$PP - CI\% * \$PP$ where

$\$SP$ = home sale price after ownership period

$\$PP$ = home purchase price

$CI\%$ = compound appreciation of area real estate index = $(1 + I\%)^T$ (after T years).

The HAVEN return of value ($\$HR$) equation can be written as follows:

$\$HR = \$HYP * T * F\%$ where

$\$HYP$ = total yearly payments

T = years of payments

F% = fractional premium return rate (function of time and appreciation trend)

The factor F% determining the amount of premium return can take on several values;

For $\$HPV > 0$ (price appreciation above the average trend line), F% can be a function of several variables, is se reement of the buyer, but always ranges between 0 and 1. Usually F% would be = 0 in this case since the owner did better than average appreciation. Figure 4 area labeled "A" shows this case.

For $\$HPV = 0$, then F% = 0 and $\$HR = 0$ (price appreciation was average).

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For $\$HPV < 0$, then $F\%$ ranges linearly from 0, when appreciation was average, to 1 when there was no appreciation, and there is some premium return ($\$HR > 0$).

Figure 4 area labeled "B" shows this case.

The final case is when the homeowner shows a loss on the sale of the home; that is, when $(\$SP - \$PP) < 0$, then the return $\$HR = (\$PP - \$SP)$ which guarantees that the homeowner suffers no loss of principle on the sale. Another option is to collect the premium in a lump sum, but this usually will increase the mortgage value (if the owner can't come up with the extra money), upon which the homeowner is paying interest charges.

Currently
Pending

Twice Amended RCE Claim 2 (previously RCE Amended Claim 1). An article of manufacture, [in the form of a financial product, created] according to Claim 1, created with or without the use of a computer, to protect the value of residential real estate, comprising:

means in the form of a financial business entit[ies]y to administer the creation and distribution of said financial products, wherein said business entit[ies]y functions comprise:

means to secure fractional ownership of said residential real estate, wherein said means is selected from a group comprising: a purchase or loan of said fractional ownership of said real estate, or a combination of both;

means to provide a form for said financial product, wherein said form is selected from a group comprising:

deeds of fractional ownership of said real estate, fractional ownership mortgage backed securities (MBS) of said real estate, loan notes of said fractional ownership of said real estate, insurance policies on said fractional ownership, or a combination of said forms;

means to provide for a source of funds to create and sell said financial products to public markets in forms selected from a group comprising:

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exchange traded funds (ETF), commodity futures, index funds,
or annuities.

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Twice Amended RCE Claim 3 (previously RCE Amended Claim 2). An article of manufacture, [in the form of (A) a financial product] according to Claim 1, wherein said means to secure fractional ownership of said residential real estate is in the form of a direct purchase by said financial business entit[ies]y of a fractional share from each participating residential real estate property owner, wherein said financial purchases are secured by fractional deeds of trust on the purchased properties, and wherein;

any profit from the sale of a participating real estate property is disbursed in a manner selected from a group comprising: retention of all profit by said financial business entit[ies]y, or a sharing of profits above a set appreciation rate with said property owner as an inducement to participate in creating said financial product.

Currently
Pending

Twice Amended RCE Claim 4 (previously RCE Amended Claim 3). An article of manufacture, [in the form of (A) a financial product] according to Claim 1, wherein said means to secure fractional ownership of said residential real estate is in the form of a loan note to said financial business entit[ies]y of a fractional share from each participating residential real estate property owner, wherein said loan notes are secured by fractional deeds of trust on the purchased properties, and wherein;

any profit from the sale of a participating real estate property is disbursed in a manner selected from a group comprising: return of said loan note to said property owner with no accrued interest or payment, or a sharing of profits from the sale of said property above a set appreciation rate with said property owner as an inducement to participate in creating said financial product.

Currently
Pending

Twice Amended RCE Claim 5 (previously RCE Amended Claim 4). An article of manufacture, [in the form of (A) a financial product] according to Claim 1, wherein

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said means to secure fractional ownership of said residential real estate is selected from a group comprising:

a no-cost transfer to said financial business entit[ies]y of a fractional share from each participating residential real estate owner wherein said no-cost transfer of fractional deeds of trust on the purchased properties pays for insurance against loss of said owner property value, or:

payment of premiums to said financial business entit[ies]y for insurance against loss of said owner property value, and wherein;

any profit from the sale of a participating real estate property is disbursed in a manner to provide an inducement to participate in creating said financial product, selected from a group comprising:

no return of the original value of said no-cost transfer of fractional deeds of trust on the purchased property if said property owner sells his property at a profit, or a sharing of profits from the sale of said fractional deeds of trust on said property above a set appreciation rate with said property owner, or;

return of a fraction of said premiums for insurance against loss of said property.

Currently
Pending

Amended RCE Claim 6 (previously RCE New Claim 5). An article of manufacture, [in the form of (A) a financial product] according to Claim 1, created using the key equations identified in Figure 2 Item #1 and Item #2 which utilize the current U.S. Census Data [version of Input Data] identified in Figure 1 to estimate the Appreciation Trend Line shown in Figure #4, and the additional factors in Figure #3, and wherein;

said means to secure fractional ownership of said residential real estate is selected from a group comprising:

a direct purchase by said financial business entit[ies]y of a fractional share from each participating residential real estate property owner secured by fractional deeds of trust on the purchased properties, or;

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a loan note to said financial business entit[ies] of a fractional share from each participating residential real estate property owner that is secured by fractional deeds of trust on the purchased properties, or;

a no-cost transfer to said financial business entit[ies] of a fractional share from each participating residential real estate property owner wherein said no-cost transfer of fractional deeds of trust on the purchased properties pays for insurance against loss of said owner property value, or;

payment of premiums to said financial business entit[ies] for insurance against loss of said owner property value.

NEIL C. SCHOEN

Note to the Examiner:

See the following page for an explanation of the equations in Claim #1 which provides an example of possible Claim #1 outcomes.

The following page is only for the benefit of the Examiner and is not part of the Claims section.

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① of 5 Amendments to Claims based on
Examiner rejection of RCE rejection of 7/30/2008

CLAIMS (As Amended For This RCE)

RCE Amended Claim 1. ~~(RCE - previously presented.)~~
An article of manufacture, in the form of [A] a financial product, created with or without the use of a computer, to protect the value of residential real estate, comprising:

means in the form of financial business entities to administer the creation and distribution of said financial product, wherein said business entities functions comprise:

means to secure fractional ownership of said residential real estate, wherein said means is selected from a group comprising: a purchase or loan of said fractional ownership of said real estate, or a combination of both;

means to provide a form for said financial product, wherein:

said form is selected from a group comprising: deeds of fractional ownership of said real estate, fractional ownership mortgage-backed securities (MBS) of said real estate, loan notes of said fractional ownership of said real estate, insurance policies on said fractional ownership, or a combination of said forms;

means to provide for a source of funds to create and sell said financial products to public markets in forms selected from a group comprising:

exchange traded funds (ETFs), commodity futures, index funds, or annuities.

RCE Amended Claim 2. ~~(RCE - previously presented.)~~
An article of manufacture, in the form of [A] a financial product, according to Claim 1, wherein said means to secure fractional ownership of said residential real estate is in the form of a direct purchase by said financial business entities of a fractional share from each participating residential real estate property owner, wherein said fractional purchases are secured by fractional deeds of trust on the purchased properties, and wherein;

any profit from the sale of a participating real estate property is disbursed in a manner selected from a group comprising: retention of all profit by said financial

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business entities, or a sharing of profits above a set appreciation rate with said property owner as an inducement to participate in creating said financial product.

RCE Amended Claim 3. ~~An article of manufacture, in the form of (A) a financial~~ *(RCE-previously presented)*
product, according to Claim 1, wherein said means to secure fractional ownership of said residential real estate is in the form of a loan note to said financial business entities of a fractional share from each participating residential real estate property owner, wherein said loan notes are secured by fractional deeds of trust on the purchased properties, and wherein:

any profit from the sale of a participating real estate property is disbursed in a manner selected from a group comprising:

return of said loan note to said property owner with no accrued interest or payment, or a sharing of profits from the sale of said property above a set appreciation rate with said property owner as an inducement to participate in creating said financial product.

RCE Amended Claim 4. ~~An article of manufacture, in the form of (A) a financial~~ *(RCE-previously presented)*
product, according to Claim 1, wherein said means to secure fractional ownership of said residential real estate is selected from a group comprising:

a no-cost transfer to said financial business entities of a fractional share from each participating residential real estate property owner wherein said no-cost transfer of fractional deeds of trust on the purchased properties pays for insurance against loss of said owner property value, or;

payment of premiums to said financial business entities for insurance against loss of said owner property value, and wherein;

any profit from the sale of a participating real estate property is disbursed in a manner to provide an inducement to participate in creating said financial product, selected from a group comprising:

no return of the original value of said no-cost transfer of fractional deeds of trust on the purchased property if said property owner sells his property at a profit, or a sharing of profits from the

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sale of said fractional deeds of trust on said property above a set appreciation rate with said property owner, or:

return of a fraction of said premiums for insurance against loss of said property.

RCE New Claim *L RCE-previously presented*
 An article of manufacture, ~~in the form of a financial~~
 product according to Claim 1, created using the key equations identified in Figure 2 Item #1 and Item #2 which utilize the current U.S. Census Data version of Input Data identified in Figure 1 to estimate the Appreciation Trend Line shown in Figure #4, and the additional factors identified in Figure #3, and wherein.

said means to secure fractional ownership of said residential real estate is selected from a group comprising:

a direct purchase by said financial business entities of a fractional share from each participating residential real estate property owner secured by fractional deeds of trust on the purchased properties, or;

a loan note to said financial business entities of a fractional share from each participating residential real estate property owner that is secured by fractional deeds of trust on the purchased properties, or;

a no-cost transfer to said financial business entities of a fractional share from each participating residential real estate property owner wherein said no-cost transfer of fractional deeds of trust on the purchased properties pays for insurance against loss of said owner property value, or;

payment of premiums to said financial business entities for insurance against loss of said owner property value.

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Article Claim #1 (RCE-New Claim #1)

RCE New Claim #1

An article of manufacture, in the form of a financial product according to Claim-1, created using the following equations identified in the Specification, wherein:

Defined as: HAVEN from the house

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lost of trust
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$$\text{\$HPV} = \text{\$SP} - \text{\$PP} - \text{CI\%} \cdot \text{\$PP} \quad \text{where}$$

$\text{\$SP}$ = home sale price after ownership period

$\text{\$PP}$ = home purchase price

CI\% = compound appreciation of area real estate index = $(1 + \text{I\%})^T$ (after T years).

The HAVEN return of value ($\text{\$HR}$) equation can be written as follows:

$$\text{\$HR} = \text{\$HYP} \cdot T \cdot \text{F\%}$$

$\text{\$HYP}$ = total yearly payments

T = years of payments

F% = fractional premium return rate (function of time and appreciation trend)

The factor F% determining the amount of premium return can take on several values:

For $\text{\$HPV} > 0$ (price appreciation above the average trend line) F% can be a function of several variables, is set by agreement with the buyer, but always ranges between 0 and 1. Usually F% would be = 0 in this case since the owner did better than average appreciation. Figure 4 area labeled "A" shows this case.

For $\text{\$HPV} = 0$ then F% = 0 and $\text{\$HR} = 0$ (price appreciation was average).

For $\text{\$HPV} < 0$ then F% ranges linearly from 0 when appreciation is average, to 1 when there is no appreciation, and there is some premium return ($\text{\$HR} > 0$). Figure 4 area labeled "B" shows this case.

The final case is when the homeowner shows a loss on the sale of the home, that is, when $(\text{\$SP} - \text{\$PP}) < 0$, then the return $\text{\$HR} = (\text{\$PP} - \text{\$SP})$ which guarantees that the homeowner

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11 of 3 Amendments to claims based on Examiner
rejection of 3/2/2008 (reversed changes)
CLAIMS (As Amended) Examiner made final
(Previously Presented)

Claim 1. A financial product [instrument] to protect the value of residential real estate, comprising:

means in the form of [a] financial business entities to administer the creation and distribution of said financial product [instrument], wherein said business entities functions comprise:

means to secure fractional ownership of said residential real estate, wherein said means is selected from a group comprising: a purchase or loan of said fractional ownership of said real estate, or a combination of both;

means to provide a form for said financial product [instrument], wherein: said form is selected from a group comprising: deeds of fractional ownership of said real estate, fractional ownership mortgage-backed securities (MBS) of said real estate, loan notes of said fractional ownership of said real estate, insurance policies on said fractional ownership, or a combination of said forms;

means to provide for a source of funds to create and sell said financial products [instruments] to public markets in forms selected from a group comprising;

exchange traded funds (ETFs), commodity futures, index funds, or annuities.

(Previously Presented)

Claim 2. A financial product [instrument] according to [the method of] Claim 1 wherein said means to secure fractional ownership of said residential real estate is in the form of a direct purchase by said financial business entities of a fractional share from each participating residential real estate property owner, wherein said fractional purchases are secured by fractional deeds of trust on the purchased properties, and wherein:

any profit from the sale of a participating real estate property is disbursed in a manner selected from a group comprising: retention of all profit by said financial

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fractional deeds of trust on the purchased property if said property owner sells his property at a profit, or a sharing of profits from the

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1- Amendments to original filing claims
based on Examiner rejection of 1/16/2008



CLAIMS (As Amended)

(Previously Presented)

Claim 1. A financial product [instrument] to protect the value of residential real estate, comprising:

means in the form of [a] financial business entities to administer the creation and distribution of said financial product [instrument], wherein said business entities functions comprise;

means to secure fractional ownership of said residential real estate, wherein said means is selected from a group comprising: a purchase or loan of said fractional ownership of said real estate, or a combination of both;

means to provide a form for said financial product [instrument], wherein: said form is selected from a group comprising: deeds of fractional ownership of said real estate, fractional ownership mortgage-backed securities (MBS) of said real estate, loan notes of said fractional ownership of said real estate, insurance policies on said fractional ownership, or a combination of said forms;

means to provide for a source of funds to create and sell said financial products [instruments] to public markets in forms selected from a group comprising;

exchange traded funds (ETFs), commodity futures, index funds, or annuities.

(Previously presented)

Claim 2. A financial product [instrument] according to Claim 1 wherein said means to secure fractional ownership of said residential real estate is in the form of a direct purchase by said financial business entities of a fractional share from each participating residential real estate property owner, wherein said fractional purchases are secured by fractional deeds of trust on the purchased properties, and wherein;

any profit from the sale of a participating real estate property is disbursed in a manner selected from a group comprising: retention of all profit by said financial

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(53)

business entities, or a sharing of profits above a set appreciation rate with said property owner as an inducement to participate in creating said financial product [instrument].

(Previously presented)

Claim 3. ✓ A financial product [instrument] according to Claim 1 wherein said means to secure fractional ownership of said residential real estate is in the form of a loan note to said financial business entities of a fractional share from each participating residential real estate property owner, wherein said loan notes are secured by fractional deeds of trust on the purchased properties, and wherein;

any profit from the sale of a participating real estate property is disbursed in a manner selected from a group comprising;

return of said loan note to said property owner with no accrued interest or payment, or a sharing of profits from the sale of said property above a set appreciation rate with said property owner as an inducement to participate in creating said financial product [instrument].

(Previously presented)

Claim 4. ✓ A financial product [instrument] according to Claim 1 wherein said means to secure fractional ownership of said residential real estate is selected from a group comprising:

a no-cost transfer to said financial business entities of a fractional share from each participating residential real estate property owner wherein said no-cost transfer of fractional deeds of trust on the purchased properties pays for insurance against loss of said owner property value, or;

payment of premiums to said financial business entities for insurance against loss of said owner property value, and wherein;

any profit from the sale of a participating real estate property is disbursed in a manner to provide an inducement to participate in creating said financial product [instrument], selected from a group comprising;

no return of the original value of said no-cost transfer of fractional deeds of trust on the purchased property if said property owner sells his property at a profit, or a sharing of profits from the

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sale of said fractional deeds of trust on said property above a set
appreciation rate with said property owner, or:

return of a fraction of said premiums for insurance against
loss of said property.

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CLAIMS

(Original)

Claim 1. A financial instrument to protect the value of residential real estate, comprising:

means in the form of a financial business entities to administer the creation and distribution of said financial instrument, wherein said business entities functions comprise;

means to secure fractional ownership of said residential real estate, wherein said means is selected from a group comprising; a purchase or loan of said real estate, or a combination of both;

means to provide a form for said financial instrument, wherein;

said form is selected from a group comprising; deeds of fractional ownership of said real estate, fractional ownership mortgage-backed securities (MBS) of said real estate, loan notes of said fractional ownership of said real estate, insurance policies on said fractional ownership, or a combination of said forms;

means to provide for a source of funds to create and sell said financial instruments to public markets in forms selected from a group comprising; exchange traded funds (ETFs), commodity futures, index funds, or annuities.

(Original)

Claim 2. A financial instrument according to Claim 1 wherein said means to secure fractional ownership of said residential real estate is in the form of a direct purchase by said financial business entities of a fractional share from each participating residential real estate property owner, wherein said fractional purchases are secured by fractional deeds of trust on the purchased properties, and wherein;

any profit from the sale of a participating real estate property is disbursed in a manner selected from a group comprising; retention of all profit by said financial business entities, or a sharing of profits above a set appreciation rate with said property owner as an inducement to participate in creating said financial instrument.

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any profit from the sale of a participating real estate property is disbursed in a manner selected from a group comprising; retention of all profit by said financial business entities, or a sharing of profits above a set appreciation rate with said property owner as an inducement to participate in creating said financial instrument.

no return of the original value of said no-cost transfer of fractional deeds of trust on the purchased property if said property owner sells his property at a profit, or a sharing of profits from the sale of said fractional deeds of trust on said property above a set appreciation rate with said property owner, or;

return of a fraction said premiums for insurance against loss of said property.

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suffers no loss of principle on the sale. Another option is to collect the premium in a lump sum, but this usually will increase the mortgage value (if the owner can't come up with the extra money), upon which the homeowner is paying interest charges.

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11 of 3 Amendments to claims based on Examiner
rejection of 3/2/2008 (reversed changes)
CLAIMS (As Amended) Examiner made final
(Previously presented)

Claim 1. A financial product [instrument] to protect the value of residential real estate, comprising:

means in the form of [a] financial business entities to administer the creation and distribution of said financial product [instrument], wherein said business entities functions comprise:

means to secure fractional ownership of said residential real estate,

wherein said means is selected from a group comprising: a purchase or loan of said fractional ownership of said real estate, or a combination of both;

means to provide a form for said financial product [instrument], wherein:
said form is selected from a group comprising: deeds of fractional ownership of said real estate, fractional ownership mortgage-backed securities (MBS) of said real estate, loan notes of said fractional ownership of said real estate, insurance policies on said fractional ownership, or a combination of said forms;

means to provide for a source of funds to create and sell said financial products [instruments] to public markets in forms selected from a group comprising;

exchange traded funds (ETFs), commodity futures, index funds, or annuities.

(Previously presented)

Claim 2. A financial product [instrument] according to [the method of] Claim 1 wherein said means to secure fractional ownership of said residential real estate is in the form of a direct purchase by said financial business entities of a fractional share from each participating residential real estate property owner, wherein said fractional purchases are secured by fractional deeds of trust on the purchased properties, and wherein:

any profit from the sale of a participating real estate property is disbursed in a manner selected from a group comprising: retention of all profit by said financial

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business entities, or a sharing of profits above a set appreciation rate with said property owner as an inducement to participate in creating said financial product [instrument].

(Previously Presented)

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Claim 3. A financial product [instrument] according to [the method of] Claim 1 wherein said means to secure fractional ownership of said residential real estate is in the form of a loan note to said financial business entities of a fractional share from each participating residential real estate property owner, wherein said loan notes are secured by fractional deeds of trust on the purchased properties, and wherein;

any profit from the sale of a participating real estate property is disbursed in a manner selected from a group comprising:

return of said loan note to said property owner with no accrued interest or payment, or a sharing of profits from the sale of said property above a set appreciation rate with said property owner as an inducement to participate in creating said financial product [instrument].

(Previously Presented)

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Claim 4. A financial product [instrument] according to [the method of] Claim 1 wherein said means to secure fractional ownership of said residential real estate is selected from a group comprising:

a no-cost transfer to said financial business entities of a fractional share from each participating residential real estate property owner wherein said no-cost transfer of fractional deeds of trust on the purchased properties pays for insurance against loss of said owner property value, or;

payment of premiums to said financial business entities for insurance against loss of said owner property value, and wherein;

any profit from the sale of a participating real estate property is disbursed in a manner to provide an inducement to participate in creating said financial product [instrument], selected from a group comprising:

no return of the original value of said no-cost transfer of fractional deeds of trust on the purchased property if said property owner sells his property at a profit, or a sharing of profits from the

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(Original)

Claim 3. ✓ A financial instrument according to Claim 1 wherein said means to secure fractional ownership of said residential real estate is in the form of a loan note to said financial business entities of a fractional share from each participating residential real estate property owner, wherein said loan notes are secured by fractional deeds of trust on the purchased properties, and wherein;

any profit from the sale of a participating real estate property is disbursed in a manner selected from a group comprising; return of said loan note to said property owner with no accrued interest or payment, or a sharing of profits from the sale of said property above a set appreciation rate with said property owner as an inducement to participate in creating said financial instrument.

(Original)

Claim 4. ✓ A financial instrument according to Claim 1 wherein said means to secure fractional ownership of said residential real estate is selected from a group comprising;

a no-cost transfer to said financial business entities of a fractional share from each participating residential real estate property owner wherein said no-cost transfer of fractional deeds of trust on the purchased properties pays for insurance against loss of said owner property value, or;

payment of premiums to said financial business entities for insurance against loss of said owner property value, and wherein;

any profit from the sale of a participating real estate property is disbursed in a manner to provide an inducement to participate in creating said financial instrument, selected from a group comprising;

no return of the original value of said no-cost transfer of fractional deeds of trust on the purchased property if said property owner sells his property at a profit, or a sharing of profits from the sale of said fractional deeds of trust on said property above a set appreciation rate with said property owner, or;

return of a fraction said premiums for insurance against loss of said property. ✓

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sale of said fractional deeds of trust on said property above a set appreciation rate with said property owner, or:

return of a fraction of said premiums for insurance against loss of said property.

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